

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
: :
: : 19-cr-96 (JSR)
-v- :
: : ORDER
SYDNEY SCALES, :
: :
Defendant. :
: :
-----x

JED S. RAKOFF, U.S.D.J.:

On October 27, 2023, the Court received a letter from defendant Sydney Scales that was titled "Pro Se Motion for Modification of Protective Order." ECF No. 281. The letter explained that Scales sought access to materials covered by the protective order the Court issued in advance of his trial, "in order to fully develop and present his issues on appeal." Id. at 1. At the time, Scales's direct appeal had already been fully briefed by appellate counsel. Nevertheless, "construing Scales's submission as a legitimately pro se motion" because his appellate counsel had not appeared in this Court, the Court denied the motion. ECF No. 282. As the Court explained, "Scales provide[d] no reason to believe that modifying the protective order, which remains necessary to safeguard sensitive information about cooperating witnesses and victims, would support his ability to raise any non-frivolous legal claim on appeal." Id. at 2.

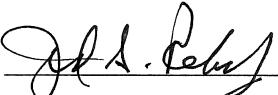
On January 29, 2024, the Court received a follow-up letter from Scales entitled "Renewed Pro Se Motion for Modification of Protective Order." ECF No. 284. That letter clarified "that the 'appeal' that he mentioned in his original motion was referencing his section 2255 petition and not his Direct Appeal." Id. at 2.¹ Accordingly, Scales again asks the Court to modify the protective order, so that he may review documents in preparation for a Section 2255 petition.

The Court again denies Scales's motion. Whether Scales's request is in service of a direct appeal or a Section 2255 petition, the protective order remains necessary to safeguard sensitive information about confidential witnesses and victims. Moreover, Scales provides no indication that any particular set of documents could help him raise any non-frivolous arguments.

SO ORDERED.

Dated: New York, NY

January 31, 2024



JED S. RAKOFF, U.S.D.J.

¹ Scales has yet to file the Section 2255 petition because he "is in the process of researching and developing certain grounds related to the violation of his constitutional rights." ECF No. 284, at 2.